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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

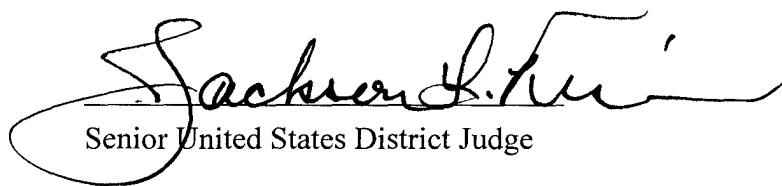
MARK KEVIN MAYES,)
Petitioner,) Civil Action No. 7:07CV00132
)
v.)
UNITED STATES OF AMERICA,)
Respondent.) ORDER
)
By: Hon. Jackson L. Kiser
Senior United States District Judge

In accordance with the accompanying Memorandum Opinion, it is hereby **ORDERED** and **ADJUDGED** that Respondent's Motion to Dismiss is **DENIED** as to claims (2) and (3) and **GRANTED** as to all other claims.

It is further **ORDERED** that this matter shall be and hereby is **REFERRED** to the Hon. Michael F. Urbanski, United States Magistrate Judge for the Western District of Virginia, pursuant to 28 U.S.C. § 636(b)(1)(B), to conduct any or all proceedings that may arise in this civil action, including an evidentiary hearing on the aforementioned claims raised in the § 2255 Motion, and to submit to the court a report setting forth appropriate findings of fact, conclusions of law, and a recommended disposition.

The Clerk is directed to send a copy of this Order and the accompanying Memorandum Opinion to all counsel of record and to Petitioner.

ENTER: This 20th day of July, 2007.


Jackson L. Kiser
Senior United States District Judge